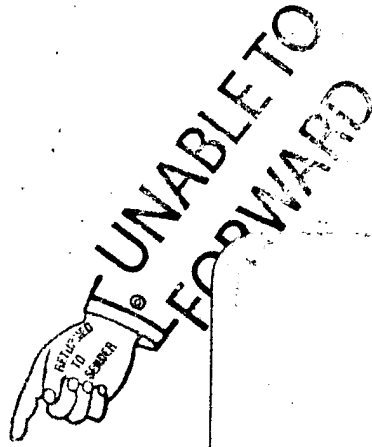


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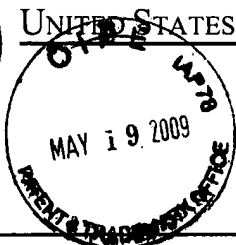


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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/577,609

04/27/2006

Frank Stengrimsen

RR-614 PCT/US

5375

7590
Rodman & Rodman
7 South Broadway
White Plains, NY 10601

04/30/2009

EXAMINER

CHANG, HANWAY

ART UNIT

PAPER NUMBER

2881

MAIL DATE

DELIVERY MODE

04/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,609

Applicant(s)

STENGRIMSEN, FRANK

Examiner

Hanway Chang

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/05/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Norway on 10/19/2004. It is noted, however, that applicant has not filed a certified copy of the 20044434 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Low et al (US Pat. 6,639,236, hereinafter Low) in view of Wissman et al (US Pat. 7,425,195, hereinafter Wissman).

Regarding claim 14, Fig. 2 of Low discloses a storage container for radioactive material comprising an integral inner container part (5) of a first material (high density polyethylene) with a bottom and upright wall (see col. 3, lines 16-22), an integral outer container part (9) of a second material (epoxy resin) with a bottom and upright wall (see col. 3, lines 53-56), and a radioactive radiation inhibiting material (lead) in an inter-space (7) between the walls and bottoms of the inner (5) and outer (9) storage container part, respectively. Low does not teach that these container parts are formed by injection or pressure mould. However, in the same field of endeavor, Wissman discloses that the

parts of a shielding device can be formed by injection (see col. 5-6, lines 66-4). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to form the container parts by injection for the purpose of controlling the shape of the container.

Regarding claim 15, a difference between Low and the claimed invention is the outer container part has threads configured to engage threads on the lid for locking means for non-releasable locking engagement with the lid. However, in the same field of endeavor, Wissman discloses such a locking means with threads (see col. 6, lines 10-20). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to have threads for a non-releasable locking engagement with the lid for the purpose of having a more secure seal.

Regarding claim 16, Fig. 2 of Low discloses the storage container having at least one recess, and a second lid member (7) in the form of a solidified radioactive radiation inhibiting material (lead) located in an inside region of the first lid member and at least one recess (6), the material retained in the at least one recess for non-releasable locking the second lid member (9) to the first lid member (6) (see col. 3, lines 26-36). Low does not disclose the lid member having threads. However, in the same field of endeavor, Wissman discloses such a locking means with threads (see col. 6, lines 10-20). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to have threads for a non-releasable locking engagement with the lid for the purpose of having a more secure seal.

Regarding claim 17, a difference between Low and the claimed invention is the lid has a portion of the skirt configured to be able to engage a container lifting device. It would have been obvious at the time of invention to a person of ordinary skill in the art to modify the lid in such a way for the purpose of allowing easier transportation of the storage device.

Regarding claim 18, Fig. 2 of Low discloses that the lid member is made of a plastic material that is the same as that of the inner and outer container parts (see col. 3, lines 16-36)

Regarding claims 19 and 20, Fig. 2 of Low discloses that the radioactive radiation inhibiting material is made of lead (see col. 3, lines 16-22).

Regarding claims 21 and 22, Fig. 2 of Low discloses that the first material is high density polyethylene (see col. 3, lines 16-22) and that the second material is of plastic material (epoxy resin) (see col. 3, lines 53-56).

Double Patenting

Claims 1-24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 7,354,544.

Although the conflicting claims are not identical, they are not patentably distinct from each other because in US Pat. 7,354,544 (hereinafter '544), claim 1 contains all the limitations of claims 1, 3, 8, 9, 14, and 23 of the instant application.

Claim 1 of the instant application recites a method for manufacturing a storage container for radioactive material. Claim 1 of '544 discloses all of the limitations except

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that the container parts (first and second) are cast by injection. However, it would have been obvious at the time of invention to a person of ordinary skill in the art to use a well known method (injection) for the purpose of having greater control over the shape of the part. It should be noted that claim 3 of the instant application is merely an obvious variant of claim 1 of the instant application which is also covered by claim 1 of '544.

Claims 8 and 9 of the instant application recites a method for manufacturing a lid for the storage container. Claim 5 of '544 contains all the limitations except it does not explicitly claim each step in forming the lid. It would have been obvious at the time of invention to a person of ordinary skill in the art to form a lid for the storage container with the corresponding layers for the purpose of completely sealing the radiation within the storage container.

Claim 14 of the instant application recites the storage container formed by the method above. '544 does not explicitly claim the device itself. However, it would have been obvious at the time of invention to a person of ordinary skill in the art that the device would be formed by following the method above as claimed.

Claim 23 of the instant application recites a device used to form the storage material by the claimed method. '544 does not explicitly claim the device itself. However, it would have been obvious at the time of the invention to a person of ordinary skill in the art that the device be used to form the storage container by the method as previously claimed.

Furthermore, the various dependent claims are merely obvious and therefore unpatentable in view of US Pat. 7,354,544.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanway Chang whose telephone number is (571)270-5766. The examiner can normally be reached on Monday to Friday 7:30 AM till 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanway Chang
April 22, 2009
/H. C./
Examiner, Art Unit 2881

Application/Control Number: 10/577,609
Art Unit: 2881

Page 7

/ROBERT KIM/
Supervisory Patent Examiner, Art Unit 2881

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|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 10/577,609 | Applicant(s)/Patent Under Reexamination STENGRIMSEN, FRANK | |
| | Examiner Hanway Chang | Art Unit 2881 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|--------------------|----------------|
| * | A | US-7,354,544 | 04-2008 | Stengrimsen, Frank | 264/250 |
| * | B | US-6,639,236 | 10-2003 | Low et al. | 250/506.1 |
| * | C | US-7,425,195 | 09-2008 | Wissman et al. | 600/7 |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

